

Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1130

AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 5-2-6-3, AS AMENDED BY P.L.213-2015, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. The institute is established to do the following:

- (1) Evaluate state and local programs associated with:
 - (A) the prevention, detection, and solution of criminal offenses;
 - (B) law enforcement; and
 - (C) the administration of criminal and juvenile justice.
- (2) Improve and coordinate all aspects of law enforcement, juvenile justice, and criminal justice in this state.
- (3) Stimulate criminal and juvenile justice research.
- (4) Develop new methods for the prevention and reduction of crime.
- (5) Prepare applications for funds under the Omnibus Act and the Juvenile Justice Act.
- (6) Administer victim and witness assistance funds.
- (7) Administer the traffic safety functions assigned to the institute under IC 9-27-2.
- (8) Compile and analyze information and disseminate the information to persons who make criminal justice decisions in this state.
- (9) Serve as the criminal justice statistical analysis center for this



state.

(10) Identify grants and other funds that can be used by the department of correction to carry out its responsibilities concerning sex or violent offender registration under IC 11-8-8.

(11) Administer the application and approval process for designating an area of a consolidated or second class city as a public safety improvement area under IC 36-8-19.5.

(12) Develop and maintain a meth watch program to inform retailers and the public about illicit methamphetamine production, distribution, and use in Indiana.

(13) Develop and manage the gang crime witness protection program established by section 21 of this chapter.

(14) Identify grants and other funds that can be used to fund the gang crime witness protection program.

(15) Administer any sexual offense services.

(16) Administer domestic violence programs.

(17) Administer assistance to victims of human sexual trafficking offenses as provided in IC 35-42-3.5-4.

(18) Administer the domestic violence prevention and treatment fund under IC 5-2-6.7.

(19) Administer the family violence and victim assistance fund under IC 5-2-6.8.

(20) In conjunction with the division of mental health and addiction, establish the Indiana technical assistance center for crisis intervention teams under IC 5-2-21.2.

(21) Monitor and evaluate criminal code reform under IC 5-2-6-24.

(22) Administer the enhanced enforcement drug mitigation area fund and pilot program established under IC 5-2-11.5.

(23) Administer the ignition interlock inspection account established under IC 9-30-8-7.

SECTION 2. IC 9-30-8-3, AS AMENDED BY P.L.217-2014, SECTION 131, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) The director of the state department of toxicology, based on the recommendation of the governor's council on impaired and dangerous driving, shall adopt rules under IC 4-22-2 to establish standards and specifications for a certified ignition interlock device. The standards and specifications must require at a minimum that the device meets the following requirements:

(1) Is accurate.

(2) Does not impede the safe operation of a vehicle.

(3) Provides a minimum opportunity to be bypassed.



(4) Shows evidence of tampering if tampering is attempted.

(5) Has a label affixed warning a person that tampering with or misusing the device is a crime and may subject that person to criminal and civil penalties.

(6) Provides the ability to accurately identify the user.

(b) After July 1, 2015, all ignition interlock devices used in Indiana must be certified under rules adopted by the state department of toxicology.

(c) A vendor or provider may submit an application for approval of an ignition interlock device in a form prescribed by the director of the state department of toxicology.

~~(d) The director of the state department of toxicology shall:~~

~~(1) have tests conducted concerning the~~ **If testing is required to determine whether an** ignition interlock device **complies** with standards set forth by the state department of toxicology, **and**

~~(2) have the results of the tests evaluated by a person or entity designated by the state department of toxicology.~~

~~(e) The tests required under this section the testing~~ must be performed by an independent laboratory designated by the state department of toxicology. The vendor shall pay any testing expenses under this section.

~~(f) (e)~~ If the director of the state department of toxicology finds that the ignition interlock device complies with the standards of the state department of toxicology, the director may approve the ignition interlock device as a certified ignition interlock device.

~~(g) (f)~~ The director of the state department of toxicology shall provide periodic reports to the governor's council on impaired and dangerous driving, including, but not limited to:

(1) the number of ignition interlock devices certified by the state department of toxicology;

(2) the number of ignition interlock devices currently installed in Indiana; and

(3) the number of ignition interlock devices rejected by the state department of toxicology.

~~(h) (g)~~ The state department of toxicology shall consider all recommendations made by the governor's council on impaired and dangerous driving.

~~(i) (h)~~ The governor's council on impaired and dangerous driving shall meet once a year to:

(1) evaluate reports submitted by the state department of toxicology;

(2) evaluate and study ignition interlock issues;



(3) make recommendations to the state department of toxicology;
and

(4) make recommendations to the general assembly in an
electronic format under IC 5-14-6.

SECTION 3. IC 9-30-8-7 IS ADDED TO THE INDIANA CODE
AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
1, 2016]: **Sec. 7. (a) This section applies after June 30, 2017.**

**(b) The Indiana criminal justice institute shall adopt rules under
IC 4-22-2 concerning the following:**

(1) Establishing standards for service centers and inspections.

**(2) Establishing standards for ignition interlock device
technicians.**

(3) Installation of ignition interlock devices.

(4) Requirements for removing an ignition interlock device.

**(5) Fees with respect to service centers and ignition interlock
devices that do not exceed the cost of the program. Fees
described in this subdivision shall be paid by the service
center, by the vendor or provider of an ignition interlock
device and used to defray the expenses of testing, examining,
inspecting, and developing standards concerning service
centers or ignition interlock devices. Funds collected under
this subdivision shall be deposited in the ignition interlock
inspection account established under subsection (c).**

**(6) Review of denial, suspension, or revocation of certification
of service centers and ignition interlock device installers and
technicians.**

**(7) Hearing procedures for service centers or installers of
ignition interlock devices.**

**(8) Appeal procedures for service centers or installers of
ignition interlock devices.**

**(c) The ignition interlock inspection account is established
within the state general fund to defray the expenses of testing,
examining, inspecting, and developing standards concerning
service centers and ignition interlock devices. The account shall be
administered by the Indiana criminal justice institute. The
following provisions apply to the account:**

(1) The account consists of:

**(A) fees paid by the vendor or provider of an ignition
interlock device;**

(B) fees paid by the service center; and

(C) appropriations made by the general assembly.

(2) Money in the account may be spent to defray the expenses



of testing, examining, inspecting, and developing standards concerning service centers and ignition interlock devices.

(3) The Indiana criminal justice institute shall annually prepare a plan for the expenditure of money in the account.

(4) The expenses of administering the account shall be paid from money in the account.

(5) The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the account.

(6) Money in the account at the end of a state fiscal year does not revert to the state general fund.

SECTION 4. IC 9-30-8-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 8.** The bureau and the Indiana criminal justice institute shall enter into a memorandum of understanding to administer this chapter and IC 9-30-6-8(d).



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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